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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/995,450

11/27/2001

Keun-Ho Lee

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2210

35884

7590

03/27/2003

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EXAMINER

LEE, EDMUND H

ART UNIT

PAPER NUMBER

1732

DATE MAILED: 03/27/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/995,450

Applicant(s)

LEE, KEUN-HO

Examiner

EDMUND H LEE

Art Unit

1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because it contains the phrase "[T]he present invention relates to" (ln 1). Correction is required. See MPEP § 608.01(b).

3. Figures 1-3f should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

4. Acknowledgment is made of applicant's claim for foreign priority based on applications filed in Korea on 1/03/01 and 6/23/01. It is noted, however, that applicant has not filed a certified copy of applications KR 2001-127 and KR 2001-36004 as required by 35 U.S.C. 119(b).

5. The disclosure is objected to because of the following informality: excessive idiomatic and grammatical errors throughout the instant disclosure such as “it is used a urine path tube” (pg 1, lns 17-18); and “coated only to the portion punched the balloon injection opening” (pg 9, lns 3-4). There are too many errors to be listed here.

Applicant is required to correct all of the idiomatic and grammatical errors.

6. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for (1) after removing the support rod, extruding a second tube over the connected cut portions of the first tube coated with the mold lubricant and connected by connection units, (2) cutting the second tube after vulcanization thereof, (3) and removing the connection units from the cut second tube and first tube, does not reasonably provide enablement for (1) after removing the support rod, connecting the first tubes coated with the mold lubricant, (2) extruding a second tube over the outside of the first tube, and (3) vulcanizing and cutting. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims. A step of removing the connection units is critical in order to provide a place to form the tip.

7. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for (1) after removing the support rod, extruding a second tube over the connected cut portions of the first tube coated with the mold

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lubricant and connected by connection units, does not reasonably provide enablement for extruding a second tube over the outside surface of the first tube. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims. The instant specification clearly discloses extruding the second tube over the connected cut portions of the first tube coated with the mold lubricant and connected by connection units and not the coated first tube. The coated first tube is not the connected cut portions of the first tube coated with the mold lubricant and connected by connection units

8. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is confusing because it is replete with idiomatic and grammatical errors. For example, "punching two balloon injection openings having small diameter at a portion for expanding" (Ins 5-6), "connecting...cutting again" (Ins 9-12), and "punching a urine discharge opening at the first tube" (In 14).

The phrase "connecting the first tubes...cutting again" (Ins 9-12) is indefinite because it is unclear as to how there can be a step of connecting first tubes if there was only one first tube. The cutting of the first tube does not create first tubes.

The phrase "after removing the support rod" (Ins 9-10) is unclear because there was positively and clearly recited step of removing the support rod.

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The phrase "the first tubes" (ln 9) lacks antecedent basis in the claim.

The phrase "forming a second tube...extruding secondly" (lns 10-11) is indefinite because it is unclear whether or not the second tube is intended to be extruded over the coated outside surface of the first tube instead of the connected cut portions of the first tube coated with the mold lubricant and connected by connection units.

The phrase "the coated outside surface of the first tube" (lns 10-11) lacks antecedent support in the claim.

The phrase "the tip portion" (ln 13) lacks antecedent basis in the claim.

Correction is required.


9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents disclose the state of the art: Taylor et al (USPN 4178937); Taylor (USPN 3736939); Shoney (USPN 3865666); Patel (USPN 4447228); Todd (USPN 3983879); Harautuneian (USPN 3304353); Dereniuk (USPN 3544668); Conway et al (USPN 5137671); Conway et al (USPN 5370899); Rusch (USPN 4265848); and Waddell et al (USPN 3965909).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDMUND H LEE whose telephone number is 703.305.4019. The examiner can normally be reached on MONDAY-THURSDAY FROM 9AM-4PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JAN H SILBAUGH can be reached on 703.308.3829. The fax phone numbers for the organization where this application or proceeding is assigned are 703.305.7718 for regular communications and 703.305.3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.0661.


EDMUND H LEE 3/21/03
Examiner
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EHL
March 21, 2003